

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: 1517 Eden Hall Point – San Sebastian Estate Homes, applicant; Request for 1) rear yard setback variance from 20 feet to 13 feet and 2) side yard setback variance from 7 ½ feet for a proposed new home in PUD (Planned Unit Development) district.

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7389

Agenda Date 7/27/2009 **Regular** ☒ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **Deny** the request for a rear yard setback variance from 20 feet to 13 feet and side yard setback variance from 7 ½ feet for a proposed new home in PUD (Planned Unit Development) district; or
2. **Approve** the request for a rear yard setback variance from 20 feet to 13 feet and side yard setback variance from 7 ½ feet for a proposed new home in PUD (Planned Unit Development) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	<p>Applicant: San Sebastian Estate Homes</p> <p>Location: 1517 Eden Hall Point</p> <p>Zoning: PUD</p> <p>Subdivision: Reserve 2 at Heathrow</p>
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposed to construct a single family home the will encroach 7 feet into the rear yard setback and 2 ½ feet into the side yard setback. • There is a subdivision wall located on the east side of the property that abuts Markham Woods Road. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property.
STAFF FINDINGS	The applicant has not satisfied the criteria for the grant of a

Reviewed by: _____
Co Atty: alc
Pln Mgr: _____

	<p>variance. Staff has determined that:</p> <ul style="list-style-type: none">• No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district.• Special conditions and circumstances result from the actions of the applicant.• The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.• The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would not be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate that all six criteria under the Land Development Code for granting a variance have been satisfied. If the Board should decide to grant a variance, staff recommends the following conditions of approval:</p> <ul style="list-style-type: none">• Any variance granted shall apply only to the proposed home as depicted on the attached site plan; and• Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.

INDEX OF ATTACHMENTS

Items that are checked are included in the packet

- ☒ Staff Report
- ☒ Application
- ☐ Applicant statement of request
- ☒ Proposed Site Plan
- ☒ Location map
- ☒ Property Appraiser data sheet
- ☐ PUD Commitment Card, *if applicable*

Support information:

- ☐ Proposed elevation drawings, renderings, floor plans, etc
- ☐ Aerials, *if warranted*
- ☐ Plat, *if warranted*
- ☐ Code Enforcement information
- ☐ Building Permit information
- ☐ Correspondence
- ☐ Authorization letter
- ☒ Applicant Authorization Form
- ☐ Supporting documentation
- ☐ Letters of support
- ☐ HOA approval letter
- ☐ Pictures provided by applicant
- ☐ Other miscellaneous documents

- ☒ Proposed Development Order

Fee: \$150.00 plus \$50.00 for each additional variance

COPY

Application # BV2009-52
Meeting Date 7-27-09



VARIANCE APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
1101 East First Street Sanford FL 32771 (407) 665-7444

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: SAN SEBASTIAN ESTATE HOMES

Address: 4919 RED BRICK RUN

City: SANFORD

Zip code: 32771

Project Address: 1517 EDEN HALL PT.

City: HEATHROW

Zip code: 32746

Tax Parcel number: 35-19-29-5QF-0000-0050

Contact number(s): JORGE ULIBARRI (407) 7335500

Email address: cornerstonecustom@cfl.rr.com

Is the property available for inspection without an appointment?

☐ Yes

☒ No

If gated please provide a gate code to staff.

What type of structure is this request for?

<input type="checkbox"/> Shed	Please describe:
<input type="checkbox"/> Fence	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Covered screen room	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input checked="" type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

What type of variance is this request?

<input type="checkbox"/> Minimum lot size	Required lot size:		Actual lot size:	
<input type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:	
<input type="checkbox"/> Front yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Rear yard setback	Required setback:	20'	Proposed setback:	13'
<input checked="" type="checkbox"/> Side yard setback	Required setback:	7 1/2'	Proposed setback:	5'
<input type="checkbox"/> Side street setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Fence height	Required height:		Proposed height:	
<input type="checkbox"/> Building height	Required height:		Proposed height:	

Use below for additional yard setback variance requests:

<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	

☒ Total number of variances requested 2

Signed: _____

Date: _____

5/30/09

FOR OFFICE USE ONLY

Date Submitted: <u>6-1-09</u>	Reviewed By: <u>P. Johnson</u>
Zoning/FLU <u>PUD / PD</u>	
<input type="checkbox"/> Legally created parcel (1971 tax roll, 5-acre dev, lot split) <input type="checkbox"/> Platted Lot (check easements as shown on lots, in notes or in dedication) <input type="checkbox"/> Lot size _____ <input type="checkbox"/> Meets minimum size and width <input type="checkbox"/> Application and checklist complete	
Notes: _____	

VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

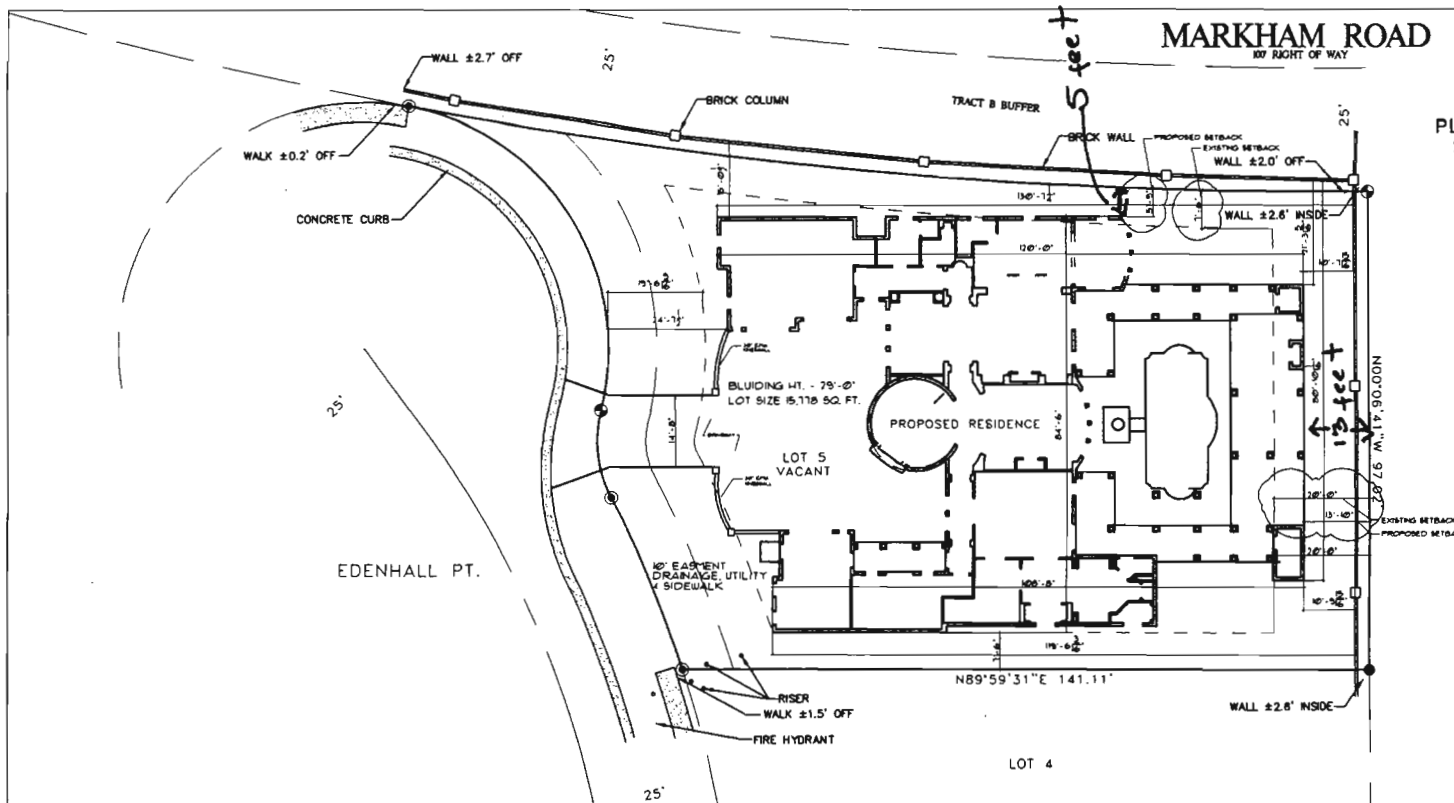
NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist is provided to the Planning division.

After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.	
✓	1. Completed application.
✓	2. Ownership Disclosure Form (Seminole County Application & Affidavit).
✓	3. Owner's authorization letter (if needed). This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp
	4. Provide a legible 8 ½ x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.
✓	o Please start with a clean survey (ex: white out old approval stamps)
✓	o Size and dimension of the parcel
✓	o Location and name of all abutting streets
✓	o Location of driveways
N/A	o Location, size and type of any septic systems, drain field and wells
✓	o Location of all easements
✓	o Existing or proposed house or addition (Label existing, label proposed, and include square footage and dimensions of each)
N/A	o Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each)
✓	o Building height
✓	o Setbacks from each building to the property lines
N/A	o Location of proposed fence(s)
✓	o Identification of available utilities (ex: water, sewer, well or septic)
✓	5. Attach additional information and supporting documents such as letters of support from adjacent property owners or <u>Home Owners Association DRB approvals</u> as desired.

MARKHAM ROAD
100' RIGHT OF WAY

BOUNDARY SURVEY
OF

LOT 5,
RESERVE 2 AT HEATHROW
PLAT BOOK 60, PAGES 22-25,
SEMINOLE COUNTY, FLORIDA



(UNPLATTED)

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS AND DELETIONS TO SURVEY MAPS, SKETCHES, OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

SCALE: 1"=30'

REVIEWED BY: MWS

DRAWN BY: SAW

DATE: 06/08/07

JOB No.: 26705

REVISED:

LEGEND

- = RECOVERED 4"x4" CONCRETE MONUMENT NO. 1
- ▲ = RECOVERED NAIL & DISK
- X = RECOVERED X CUT IN CONCRETE
- ⊙ = RECOVERED 1 1/4" IRON PIPE LS2005
- ⊙ = RECOVERED 1/2" IRON ROD NO. 1
- ⊙ = RECOVERED 1 1/4" IRON PIPE TINKEPAUGH
- ⊙ = SET 1/2" IRON ROD WITNESS 6300
- ⊙ = POWER POLE AS SHOWN
- ⊙ = WOOD FENCE AS SHOWN
- ⊙ = CHAIN LINK FENCE AS SHOWN
- = CONCRETE SLAB AS SHOWN

D = CENTRAL ANGLE (DELTA), L = ARC, R = RADIUS,
R/W = RIGHT OF WAY, A/C = AIR CONDITIONER,
(R) = RADIAL, (NR) = NON-RADIAL, (P) = PLAT,
(M) = MEASURED, (C) = CALCULATED, (O) = DEED,
POB = POINT OF BEGINNING, CONC. = CONCRETE,
POC = POINT OF COMMENCEMENT, POL = POINT ON LINE

THIS SURVEY IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND/OR INDIVIDUALS LISTED AND SHALL NOT BE RELIED ON BY ANY OTHER ENTITY OR INDIVIDUAL WHOEVER. UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS WERE NOT LOCATED AS PART OF THIS SURVEY. LAND SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAYS AND/OR EASEMENTS OF PUBLIC RECORD.

THIS SURVEY CERTIFIED TO:
CORNERSTONE CUSTOM CONSTRUCTION

BEARINGS ARE BASED ON THE SOUTH LINE OF LOT 5 AS BEING N89°59'31"E. PER PLAT LEGAL DESCRIPTION FURNISHED BY CLIENT (UNLESS OTHERWISE NOTED)

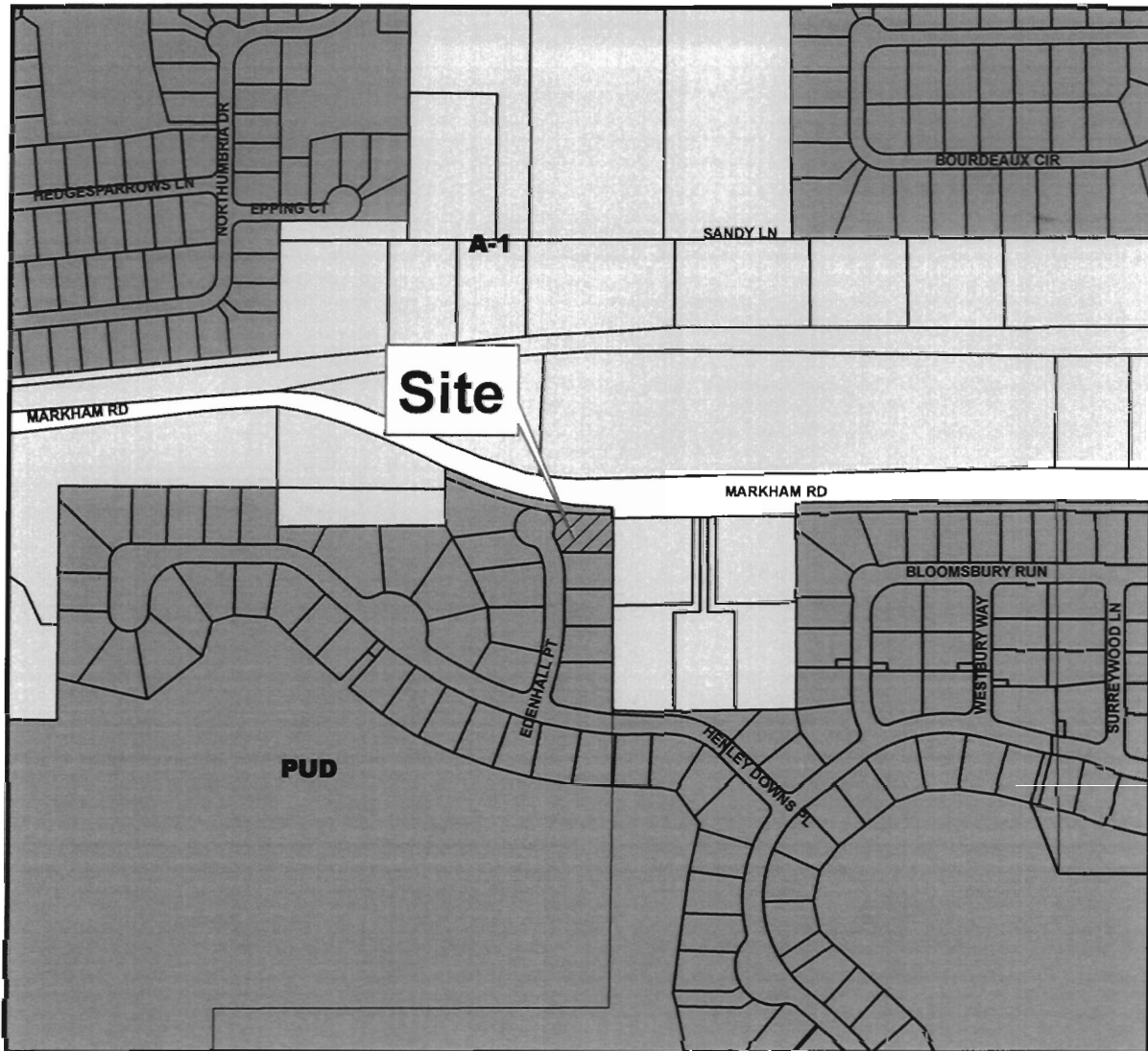
THIS IS TO CERTIFY THAT I HAVE REVIEWED THE FLOOD INSURANCE RATING MAP (FIRM) PANEL #120189 0040 E DATED 4/17/95 AND DETERMINED THAT THE LANDS SHOWN HEREON LIE IN ZONE "X"

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	BEARING	CHORD
C1	37.95	225.00'	9°39'48"	N23°01'17"W	37.90'
C2	18.49	25.00'	42°21'53"	S06°40'14"E	18.07'
C3	81.89	50.00'	93°50'37"	N32°24'37"W	73.04'
C4	198.08	1012.33'	111°12'38"	S84°56'15"E	197.76'

ALTAMONTE SURVEYING AND PLATTING, INC.




435 DOUGLAS AVE. SUITE 100F
ALTAMONTE SPRINGS, FL 32714
PHONE: (407) 862-7555
FAX: (407) 862-6229

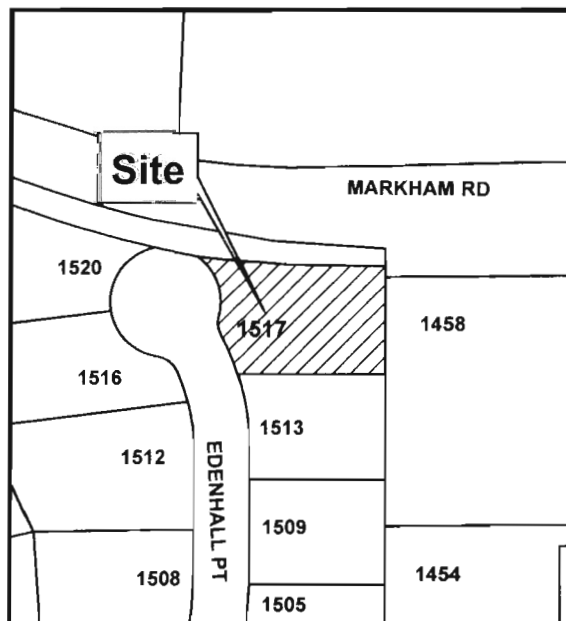
San Sebastian Estate Homes
1517 Eden Hall Point
Heathrow, Florida 32746



Seminole County Board of Adjustment
July 27, 2009
Case: BV2009-52 (Map 3050 Grid E3)
Parcel No: 35-19-29-5QF-0000-0050

Zoning

-  BV2009-52
-  A-1
-  PUD



PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY, FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506																																				
GENERAL Parcel Id: 35-19-29-SQF-0000-0050 Owner: SAN SEBASTIAN ESTATE HOMES INC Mailing Address: 4919 RED BRICK RUN City, State, Zip Code: SANFORD FL 32771 Property Address: 1517 EDENHALL PT Subdivision Name: RESERVE 2 AT HEATHROW Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 00-VACANT RESIDENTIAL Please be advised that based on preliminary analysis of GIS data, this property may not meet the minimum lot size requirements of the zoning district. For more information, contact the Planning Division at 407-865-7441.		VALUE SUMMARY <table border="1"> <thead> <tr> <th>VALUES</th> <th>2009 Working</th> <th>2008 Certified</th> </tr> </thead> <tbody> <tr> <td>Value Method</td> <td>Cost/Market</td> <td>Cost/Market</td> </tr> <tr> <td>Number of Buildings</td> <td>0</td> <td>0</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Land Value (Market)</td> <td>\$150,000</td> <td>\$170,000</td> </tr> <tr> <td>Land Value Ag</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Just/Market Value</td> <td>\$150,000</td> <td>\$170,000</td> </tr> <tr> <td>Portability Adj</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td>\$150,000</td> <td>\$170,000</td> </tr> </tbody> </table> <p align="right">Tax Estimator</p>		VALUES	2009 Working	2008 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	0	0	Depreciated Bldg Value	\$0	\$0	Depreciated EXFT Value	\$0	\$0	Land Value (Market)	\$150,000	\$170,000	Land Value Ag	\$0	\$0	Just/Market Value	\$150,000	\$170,000	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$150,000	\$170,000
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LOT	0	0	1.000	150,000.00	\$150,000																															
<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																				

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

The owner of the real property associated with this application is a (check one)

- ☐ Individual ☒ Corporation ☐ Land Trust
- ☐ Limited Liability Company ☐ Partnership
- ☐ Other (describe): _____

1. List all **natural persons** who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

NAME	ADDRESS	PHONE NUMBER

(Use additional sheets for more space.)

2. For each **corporation**, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent 2% or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are not traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST
LUIS X. ULIBARRI	PRESIDENT	4919 RED BRICK RUN, SANFORD	100 %

(Use additional sheets for more space.)

3. In the case of a **trust**, list the name and address of each trustee and the name and address of the beneficiaries of the trust and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above.

Trust Name: _____

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

4. For **partnerships**, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

5. In the circumstances of a **contract for purchase**, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, or partnership, provide the information required for those entities in paragraphs 2, 3, and/or 4 above.

Name of Purchaser: _____

NAME	ADDRESS	% OF INTEREST

Date of Contract: _____

Please specify any contingency clause related to the outcome of the consideration of the application.

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

Date

5/29/09

Owner, Agent, Applicant Signature

[Signature]

STATE OF FLORIDA

COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 29 day of MAY, 2009 by Luis

Ulbarri

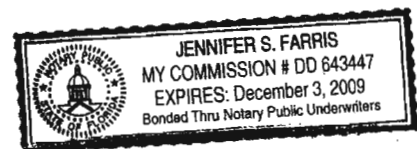
Signature of Notary Public

[Signature]

Print, Type or Stamp Name of Notary Public

Personally Known X OR Produced Identification _____

Type of Identification Produced _____



For Use by Planning & Development Staff

Date: _____ Application Number: _____

**SEMINOLE COUNTY APPLICANT AUTHORIZATION FORM
(ORIGINAL ONLY)**

An authorized applicant is defined as:

The property owner of record; or
An agent of said property owner (power of attorney to represent and bind the property owner must be submitted with the application); or
Contract purchaser (a copy of a fully executed sales contract must be submitted with the application containing a clause or clauses allowing an application to be filed).

I LUIS X. ULIBARRI, the fee simple owner of the following
(Owner's Name)
described property (Provide Legal Description or Tax Parcel ID Number(s) 35-19-29-5QF-
0000-0050

hereby affirm that JORGE ULIBARRI is hereby designated to act as my /our
authorized agent and to file the attached application for the stated special exception / variance request and
make binding statements and commitments regarding the request.

[Signature]

Owner's Signature

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become part of the Official Records of Seminole County, Florida and are not returnable.

SWORN TO AND SUBSCRIBED before me this 29 day of May, 2009

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared LUIS ULIBARRI, who is personally known to me or who has produced known has identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 29 day of May, 2009

[Signature]
Notary Public in and for the County and State
Aforementioned

My Commission Expires: _____



Application to the Board of Adjustment / Planning Division

Last updated 7/24/08

RNG: 29

	IMPACT FEES	
	TRAFFIC ZONE:	5
	LAND USE:	SF
	JURISDICTION:	01
	1. ROAD-CO. WIDE	0
	2. ROAD-COLL.	0
	3. LIBRARY	0
	4. FIRE	0
	5. PARK	0
	6. SCHOOL	0
	7. LAW	0
	TOTAL	\$
		NO IMPACT FEES
	REMARKS:	

May 19, 2009

Mr. Jorge Ulibarri, Owner/President
Cornerstone Custom Construction

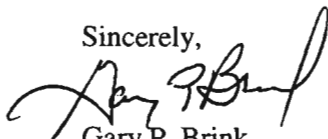
RE: Lot 5 Reserve Phase 2
1517 Edenhall Pt.

Dear Mr. Ulibarri,

Upon the receipt of your request for a variance, to the set back requirements, I took the plot plan layout and inspected the lot. I have discussed these set back changes with the appropriate individuals at Heathrow Land Company and we are in agreement that the changes in the set backs will not effect any adjacent homes. Therefore it would be our decision to allow the variance of 2.5' on the North side adjacent to the existing property wall and a variance of 7' to the east or rear of the proposed home.

Should you have any further questions or need for further assistance with this issue please feel free to contact me at the Heathrow Land Company main office.

Sincerely,



Gary P. Brink
Construction Manager

Cc: Ed Hill, HLC C.O.O.

Brad Milsap, Authorized Agent
Deanna Sims, Heathrow Master Association
Cherine Kennings
File

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On July 27, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Lot 5 Reserve 2 at the Heathrow PB 60 PGS 22 Thru 25

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: San Sebastian Estate Homes
4919 Red Brick Run
Sanford, Fl. 32771

Project Name: Eden Hall Point (1517)

Requested variance:

Rear yard setback variance from 20 feet to 13 feet and side yard setback variance from 7 ½ feet to 5 feet for a single family home.

Approval was sought to construct a single family home. One or more of the six criteria under the Land Development Code for granting a variance have not been satisfied. The applicant still retains reasonable use of the property without the granting of the requested variance.

The requested development approval is hereby denied.

Prepared by: Kathy Fall, Principal Planner
1101 East First Street
Sanford, Florida 32771

Done and Ordered on the date first written above.

By: _____
Alison C. Stettner
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On July 27, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Lot 5 Reserve 2 at the Heathrow PB 60 PGS 22 Thru 25

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: San Sebastian Estate Homes
4919 Red Brick Run
Sanford, FL 32771

Project Name: Eden Hall Point (1517)

Variance Approval:

Rear yard setback variance from 20 feet to 13 feet and side yard setback variance from 7 ½ feet to 5 feet for a single family home.

All six criteria for granting a variance under the Land Development Code have been satisfied.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Kathy Fall, Planner
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - a. The variance granted will apply only to the proposed home as depicted on the attached site plan.
- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Alison C. Stettner
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: